

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE FRANCISCO GONZALEZ,

Petitioner,

v.

NEIL MCDOWELL,

Respondent.

Case No. [22-cv-04057-RS](#) (PR)

ORDER REOPENING ACTION;

**ORDER DIRECTING RESPONDENT
TO FILE A RESPONSE TO THIS
ORDER**

This action is REOPENED. The Clerk is directed to modify the docket to reflect this. The judgment and the order of dismissal are VACATED.


This federal habeas action was dismissed pursuant to a motion by respondent in which it was contended that the petition was untimely. (Dkt. Nos. 8, 9.) The timeliness calculation was based in part on a belief that petitioner had 90 days to file a petition for writ of certiorari. Because the United States Supreme Court temporarily extended the time to file a petition for certiorari, the petition may not be untimely. Respondent may wish to revise or withdraw his motion to dismiss. Respondent is directed to file a response to this order on or before **May 22, 2023**.

On March 19, 2020, the United States Supreme Court extended the deadline to file petitions for writs of certiorari in all cases to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. *See* Order Relating to COVID-19 and Petitions for Certiorari, 589 U.S. ____ (2020). This modification remained in effect until July 19, 2021. Documents related to the rule modification are attached as exhibits to this order.

1 Because the modification may affect the timeliness of petitioner's petition,
2 respondent is directed to file on or before **May 22, 2023** a notice with the Court in which
3 he indicates whether he wishes to file a revised motion, proceed with the initial motion, or
4 to withdraw the initial motion. If respondent indicates in the notice that he wishes to file a
5 revised motion, the Court will set a new motion deadline.

6 **IT IS SO ORDERED.**

7 **Dated:** April 20, 2023

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9 RICHARD SEEBORG
Chief United States District Judge

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